

**MONDAY, APRIL 18, 1988**

**EIGHTY-FOURTH LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Ed McAteer, Head of Religious Round Table, Memphis, Tennessee, guest of Representative David Shirley.

Representative David Shirley led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present ..... 94

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

The Speaker announced that Representative Garrett was excused because of schedule conflict.

The Speaker announced that Representative Nance was excused because of meeting in his district.

**PRESENT IN CHAMBER**

Representative Jared was recorded as being present in the Chamber.

**REGULAR CALENDAR**

**House Bill No. 1791 -- Election Laws --** Effects administrative changes in election laws, makes uniform the boundary distance within which certain election activity is prohibited. Amends TCA, Title 2.

Further consideration of House Bill No. 1791, previously considered on Monday, April 11, 1988.

On motion, House Bill No. 1791 was made to conform with Senate Bill No. 1730.

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On motion, **Senate Bill No. 1730**, on same subject, was substituted for House Bill No. 1791.

Rep. Burnett moved that Senate Bill No. 1730 be passed on third and final consideration.

Rep. Severance moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 1730 by adding the following language to the end thereof:

Provided, however, the provisions of Section 9 shall apply to the 16th state representative district.

AND FURTHER AMEND by inserting a severability section immediately preceding the effective date section:

SECTION \_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 1 was adopted.

Rep. Bivens moved to amend as follows:

**Amendment No. 2**

Amend Senate Bill No. 1730 by adding before the effective date section the following new sections and by renumbering the effective date section accordingly:

SECTION . Tennessee Code Annotated, Section 2-5-101, is amended by adding the following appropriately lettered subsection:

( ) Independent candidates in a general election for which any political party has held a primary may withdraw by submitting the appropriate request no later than twelve o'clock (12:00) noon, prevailing time, on the fortieth day prior to the day of the general election.

SECTION . Tennessee Code Annotated, Section 2-5-204(b)(1), is amended by deleting the language "seventh day after the qualifying deadline for the election" and by substituting instead the language "fortieth day prior to the day of the primary or general election".

On motion, Amendment No. 2 was adopted.

Rep. Burnett moved to amend as follows:

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**Amendment No. 3**

Amend Senate Bill No. 1730 by deleting Sections 9 and 10 in their entirety and by renumbering the subsequent sections accordingly.

On motion, Amendment No. 3 was adopted.

Rep. Drew moved to amend as follows:

**Amendment No. 4**

Amend Senate Bill No. 1730 by deleting the period at the end of the first paragraph of the amendatory language in the code section added by Senate Amendment #3 and by adding the following:

; provided, however, if the address shown on the petition is with the precinct in which the person is registered but is not the address shown on the registration card, the signature shall be valid and shall be counted.

On motion, Amendment No. 4 was adopted.

Thereupon, Rep. Burnett moved that Senate Bill No. 1730, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. ....	93
Noes. ....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

**House Bill No. 2449 -- Cookeville --** Revises terms of office of trustees of Cookeville General Hospital. Amends Chapter 223, Private Acts of 1961, as amended.

Rep. Jared moved that House Bill No. 2449 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. ....	93
Noes. ....	0

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Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

**House Bill No. 2162 -- Civil Service --** Permits appeals from civil service status proceedings to be heard de novo in circuit or chancery court. Amends TCA 27-9-114.

Rep. West moved that House Bill No. 2162 be passed on third and final consideration.

Rep. West moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 2162 by deleting Sections 1 and 2 in their entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 27-9-114, is amended by deleting it in its entirety and substituting instead the following:

( ) Judicial review of decisions by civil service boards of a county or municipality which affects the employment status of a county or city civil service employee shall be in conformity with the judicial review standards under Tennessee Code Annotated, Section 4-5-322, of the Uniform Administrative Procedures Act.

Provided, however, that petitions for judicial review of decisions by a city or county civil service board affecting the employment status of a civil service employee shall be filed in the Chancery Court of the County wherein the local civil service board is located.

( ) Contested case hearings by civil service boards of a county or municipality which affect the employment status of a civil service employee shall be conducted in conformity with contested case procedures under Tennessee Code Annotated, Section 4-5-301, et. seq. of the Uniform Administrative Procedures Act.

( ) In any appeal pursuant to this section deemed by the Court to be frivolous, the sanctions of Rule 11 of the Federal Rules of Civil Procedure may be applied by the Chancellors.

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Section 2. This act shall take effect on January 1, 1989.

On motion, Amendment No. 1 was adopted.

Rep. West moved to amend as follows:

**Amendment No. 2**

Amend House Bill No. 2162 by adding the following language at the end of the amendatory language of Section 1:

Provided, however, that this section shall not supersede or displace any provisions of a city charter pertaining to municipal utilities boards, and the substantial evidence requirement shall not apply to municipal utilities boards.

AND FURTHER AMEND by deleting Section 2 of the introduced bill in its entirety, and by substituting instead the following:

Section 2. This act shall take effect on July 1, 1988, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. West moved that House Bill No. 2162, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	92
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robipson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Usery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

**House Bill No. 2035 -- Metropolitan Government --** Allows municipalities in two or more counties to consolidate with county in which most of territory lies. Amends TCA, Title 7, Ch. 1.

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Rep. Yelton moved that House Bill No. 2035 be reset on the Calendar for Wednesday, April 27, 1988, which motion prevailed.

**House Bill No. 2369 -- Taxes, Real Property --** Revises procedures for assessment of forestland. Amends TCA, Title 67, Ch. 5.

On motion, House Bill No. 2369 was made to conform with Senate Bill No. 2348.

On motion, **Senate Bill No. 2348**, on same subject, was substituted for House Bill No. 2369.

Rep. Stallings moved passage of Senate Bill No. 2348 on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

**\*House Joint Resolution 0446 -- Education, Higher --** Expresses support for Meharry Medical College proposal to develop institute on health care for poor.

Rep. Love moved to adopt House Joint Resolution No. 446.

Rep. Starnes moved to amend as follows:

**Amendment No. 1**

Amend House Joint Resolution No. 446 by adding the following language as a new resolving clause immediately preceding the final resolving clause:

**BE IT FURTHER RESOLVED**, That if funds are appropriated for the institute through the general appropriations act or are otherwise available, such funds shall be utilized to establish, develop and implement such institute.

On motion, Amendment No. 1 was adopted.

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Thereupon, Rep. Love moved that House Joint Resolution No. 446, as amended, be adopted, which motion prevailed by the following vote:

Ayes. ....	92
Noes. ....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

**\*House Joint Resolution 0616 -- Naming and Designating --** Designates bridge over State Highways 45 and 22 the "J.A. Jackson Bridge".

Rep. Herron moved that House Joint Resolution No. 616 be adopted, which motion prevailed by the following vote:

Ayes. ....	94
Noes. ....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

**House Joint Resolution 0568 -- Naming and Designating --** Names Memphis Regional Correctional Center in honor of Mark H. Luttrell.

Rep. DeBerry moved that House Joint Resolution No. 568 be adopted, which motion prevailed by the following vote:

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Ayes.....	92
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

**House Bill No. 1860 -- Physicians and Surgeons --** Revises Osteopathic Physicians Practice Act. Amends TCA, Title 63, Ch. 9, Pt. 1.

On motion, House Bill No. 1860 was made to conform with Senate Bill No. 1435.

On motion, **Senate Bill No. 1435**, on same subject, was substituted for House Bill No. 1860.

Rep. Curlee moved passage of Senate Bill No. 1435 on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

**House Bill No. 2065 -- Mental Health and Mental Retardation, Dept. of --** Authorizes department to establish program to reimburse licensed supportive living facilities for mentally ill. Amends TCA, Title 12, Ch. 4.



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On motion, House Bill No. 2065 was made to conform with Senate Bill No. 1807.

On motion, **Senate Bill No. 1807**, on same subject, was substituted for House Bill No. 2065.

Rep. Dixon moved that Senate Bill No. 1807 be passed on third and final consideration.

Rep. West moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 2065 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section . . . This act shall apply to any county having a population of not less than 470,000 nor more than 500,000 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Rep. Moody moved to amend as follows:

**Amendment No. 2**

Amend House Bill No. 2065 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section . . . This act shall apply to any county having a population of not less than 49,275 nor more than 49,375 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Dixon moved that Senate Bill No. 1807, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings,

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Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

**\*House Bill No. 2261** -- Insurance, Credit Life -- Requires certain information be disclosed by agents selling and companies issuing credit life insurance; establishes certain fines for false or inaccurate information. Amends TCA, Title 56, Ch. 7, Pt. 9.

On motion, House Bill No. 2261 was made to conform with Senate Bill No. 2455.

On motion, **Senate Bill No. 2455**, on same subject, was substituted for House Bill No. 2261.

Rep. Curlee moved passage of Senate Bill No. 2455 on third and final consideration, which motion prevailed by the following vote:

Ayes.....	91
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

Representative present and not voting was: Long -- 1.

A motion to reconsider was tabled.

\*

**PRESENT IN CHAMBER**

Representative Garrett was recorded as being present in the Chamber.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 1373** -- Racing -- Prohibits issuance of general obligation bonds for racetracks. Amends TCA, Title 4, Ch. 36.

Rep. Copeland moved that House Bill No. 1373 be reset on the Calendar for Thursday, April 21, 1988, which motion prevailed.

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**House Bill No. 2044 -- Racing --** Adds factors for commission to consider in locating track; prohibits question at special elections. Amends TCA 4-36-302, 4-36-401.

On motion, House Bill No. 2044 was made to conform with Senate Bill No. 2224.

On motion, **Senate Bill No. 2224**, on same subject, was substituted for House Bill No. 2044.

Rep. U. Jones (Shelby) moved that Senate Bill No. 2224 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 2224 by deleting the last sentence of the amendatory language of Section 1, and by substituting instead the following language:

Notice for such public hearing shall be published in the same manner as required for public hearings held pursuant to Section 13-7-104; and

Rep. U. Jones (Shelby) moved that Senate Bill No. 2224 be reset on the Calendar for Thursday, April 21, 1988, which motion prevailed.

**House Bill No. 2077 -- Criminal Offenses --** Decreases age limit for certain video cassette rentals; establishes rating for certain non-rated video cassettes. Amends TCA 39-6-1140.

Rep. Moore (Lawrence) moved that House Bill No. 2077 be passed on third and final consideration.

Rep. DeBerry moved the previous question, which was objected to by Rep. Montgomery. The motion failed by the following vote:

Ayes.....	55
* Noes.....	34
Present and not voting.....	3

Representatives voting aye were: Bell, Buck, Burnett, Byrd, Cain, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Drew, Ellis, Frensley, Garrett, Hawkins, Head, Hillis, Hobbs, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), King, Kisber, Long, Love, Miller, Moore (Lawrence), Napier, Odom, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Stallings, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Winningham, Wix, Mr. Speaker Murray -- 55.

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Representatives voting no were: Bewley, Bivens, Bragg, Chiles, Coffey, Dixon, Duer, Gaia, Harrill, Hassell, Henry, Holcomb, Kent, Kernell, May, McAfee, Montgomery, Moody, Moore (Shelby), Naifeh, Peroulas, Robinson (Washington), Scruggs, Shirley, Stafford, Swann, Tankersley, Ussery, Webb, Whitson, Williams, Wolfe, Wood, Yelton -- 34.

Representatives present and not voting were: Good, Herron, Purcell -- 3.

Thereupon, Rep. Moore (Lawrence) moved that House Bill No. 2077 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	69
Noes.....	14
Present and not voting.....	10

Representatives voting aye were: Bewley, Bivens, Buck, Burnett, Byrd, Cain, Chiles, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Drew, Duer, Ellis, Frensley, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, U. (Shelby), Kent, King, Kisber, Lawson, Love, McAfee, Miller, Moore (Lawrence), Naifeh, Napier, Odom, Peroulas, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Whitson, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 69.

Representatives voting no were: Bell, Gaia, Harrill, Holcomb, Jones, R. (Shelby), Kernell, Long, May, Moody, Shirley, Stafford, Turner, L. (Shelby), Williams, Winningham -- 14.

Representatives present and not voting were: Bragg, Bushing, DeBerry, Dixon, Good, Montgomery, Moore (Shelby), Pruitt, Robinson (Hamilton), Starnes -- 10.

A motion to reconsider was tabled.

**PRESENT IN CHAMBER**

Representative Wheeler was recorded as being present in the Chamber.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2291** -- Probation -- Allows court to place defendants guilty of certain felonies on probation.

On motion, House Bill No. 2291 was made to conform with Senate Bill No. 1909.

On motion, **Senate Bill No. 1909**, on same subject, was substituted for House Bill No. 2291.

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Rep. Burnett moved passage of Senate Bill No. 1909 on third and final consideration, which motion prevailed by the following vote:

Ayes.....	71
Noes.....	20
Present and not voting.....	2

Representatives voting aye were: Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Duer, Ellis, Frensey, Gaia, Garrett, Harrill, Hawkins, Head, Henry, Herron, Hillis, Holt, Hurley, Huskey, Ivy, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Lawson, Love, McAfee, Moody, Moore (Lawrence), Naifeh, Napier, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Starnes, Tankersley, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 71.

Representatives voting no were: Bell, Byrd, Cain, Davis (Knox), Drew, Good, Hassell, Hobbs, Jackson, Kent, Long, May, Miller, Peroulas, Scruggs, Shirley, Stafford, Stallings, Turner, C. (Shelby), Winningham -- 20.

Representatives present and not voting were: Holcomb, Odom -- 2.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1309, 1708, 2184, 2336, 2356, 2519 and 2524; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 1309 -- County Boundaries --** Makes certain changes in boundary line separating Cumberland and Putnam counties.

**\*Senate Bill No. 1708 -- Sunset Laws --** Extends termination date of Board of Paroles. Amends TCA, Title 4, Chs. 5, 29; Title 8, Ch. 7; Title 38, Ch. 6; Title 39, Ch. 3; Title 40; Title 41, Ch. 1.

**Senate Bill No. 2184 -- Jails and Jailers --** Establishes floor for county usage for jails or programs of state paid subsidy. Amends TCA, Title 41, Ch. 8, Pt. 1.

**\*Senate Bill No. 2336 -- Solid Waste Disposal --** Establishes grant program for research and development of solid waste facilities and management.

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**Senate Bill No. 2356** -- Parks, Natural Areas Preservation -- Requires Vietnam Veterans Park be supervised and maintained by Department of General Services. Amends TCA 4-3-1105.

**Senate Bill No. 2519** -- Scott County -- Establishes salary range for county service officer. Amends Chapter 599, Private Acts of 1951, as amended.

**Senate Bill No. 2524** -- Kingston -- Changes date of election of mayor and city councilmen. Amends Chapter 298, Private Acts of 1972. Repeals Chapter 77, Private Acts of 1987.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2262** -- Solid Waste Disposal -- Establishes grant program for research and development of solid waste facilities and management.

On motion, House Bill No. 2262 was made to conform with Senate Bill No. 2336.

On motion, **Senate Bill No. 2336**, on same subject, was substituted for House Bill No. 2262.

Rep. C. Turner (Shelby) moved passage of Senate Bill No. 2336 on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1909 and have this statement entered in the Journal.

Rep. Kisber

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**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2131** -- Sunset Laws -- Extends termination date of Institute for African Affairs. Amends TCA, Title 4, Ch. 29; Title 49, Ch. 8, Pt. 8.

Rep. King moved that House Bill No. 2131 be passed on third and final consideration.

Rep. King moved that House Bill No. 2131 be reset on the Calendar for Thursday, April 21, 1988, which motion prevailed.

**REQUEST TO CHANGE VOTE**

**MR SPEAKER:** Pursuant to **House Rule No. 31**, I wish to express a desire to change my original stand from not voting to no on Senate Bill No. 1909 and have this statement entered in the Journal.

Rep. John Tanner

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1407** -- Sunset Laws -- Extends termination date of Department of Financial Institutions. Amends TCA, Title 4, Chs. 3, 29; Title 9, Ch. 4; Title 45, Ch. 37, Pt. 1; Title 56, Ch. 37, Pt. 1.

On motion, House Bill No. 1407 was made to conform with Senate Bill No. 1466.

On motion, **Senate Bill No. 1466**, on same subject, was substituted for House Bill No. 1407.

Rep. King moved that Senate Bill No. 1466 be passed on third and final consideration.

Rep. King moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 1466 by deleting Section 2 in its entirety as added by Senate Government Operations Committee amendment, and by substituting instead the following:

**SECTION 2.** Tennessee Code Annotated, Title 4, Chapter 29, is amended by adding the following as a new section:

Section \_\_.

(a) The following governmental entities shall terminate on June 30, 1995:

( ) Department of financial institutions, created by Tennessee Code Annotated, Section 4-3-101;

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(b) Each department, commission, board, agency, or council of state government created during calendar year 1994 shall terminate on June 30, 1995.

(c) Any governmental entity which has been terminated under this section may be continued, reestablished, or restructured in accordance with this chapter.

Rep. King moved the previous question, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Naifeh moved the previous question, which motion prevailed.

Thereupon, Rep. King moved that Senate Bill No. 1466, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. ....	96
Noes. ....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

**House Bill No. 2388 -- Banks and Financial Institutions --** Authorizes out of state bank holding companies to acquire shares or assets of Tennessee bank. Amends TCA, Title 45.

Rep. Wheeler moved that House Bill No. 2388 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. ....	81
Noes. ....	12
Present and not voting. ....	3



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Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Cain, Chiles, Clark, Coffey, Collier, Copeland, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Fransley, Gaia, Garrett, Good, Harrill, Hassell, Head, Henry, Holcomb, Hurley, Huskey, Ivy, Jared, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence), Naifeh, Odom, Peroulas, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 81.

Representatives voting no were: Burnett, Crain, Cross, Hawkins, Herron, Hillis, Hobbs, Holt, Jackson, Moody, Napier, Rhinehart -- 12.

Representatives present and not voting were: Byrd, Moore (Shelby), Tanner -- 3.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Bill No. 2388 and have this statement entered in the Journal. Button on desk was hit by mistake; did not have chance to change vote before vote was announced.

Rep. Ray Davis

**REGULAR CALENDAR, CONTINUED**

\*House Bill No. 1365 -- Prisoners and Inmates -- Allows department of correction and board of paroles to give special consideration under the contract sentencing program to prisoners with disparate sentences based upon changing sentencing laws. Amends TCA 40-34-103.

On motion, House Bill No. 1365 was made to conform with Senate Bill No. 1487.

\* On motion, Senate Bill No. 1487, on same subject, was substituted for House Bill No. 1365.

Rep. Burnett moved that Senate Bill No. 1487 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 1487 by deleting all of the amendatory language added by Senate amendment No. 2 and by substituting instead the following:

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Provided, however, no offender who has been convicted as an habitual offender and has been convicted of a crime against the person, no offender who has been convicted of murder in the first degree, and no offender who has been convicted of a sexual offense as contained in Sections 39-2-601 through 39-2-611, shall be eligible to participate in the contract sentencing program authorized by this subsection.

AND FURTHER AMEND by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

SECTION . Tennessee Code Annotated, Section 40-34-103, is further amended by adding the following new subsection at the end of the section:

( ) The commissioner of correction shall notify the district attorney general who prosecuted the case or his successor, the trial judge in whose court the conviction occurred or his successor, and the victim or the victim's next of kin prior to the execution of a sentencing agreement under the provisions of subsection (c), as added by this act.

Rep. Tanner moved to amend as follows:

**Amendment No. 1 to Amendment No. 1**

Amend Senate Bill No. 1487 by deleting the words "and has been convicted" from the amendatory language of the first amendatory section, and by substituting instead the words and punctuation "and/or has been convicted".

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Rep. Buck renewed his motion to adopt Amendment No. 1, as amended, which motion prevailed.

Thereupon, Rep. Burnett moved that Senate Bill No. 1487, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. ....	51
Noes. ....	43
Present and not voting. ....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Coffey, Collier, Copeland, Cross, Davidson, Davis (Cocke), DeBerry, DePriest, Dixon, Ellis, Frensey, Hawkins, Head, Henry, Herron, Hillis, Hurley, Huskey, Ivy, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Love, McAfee, Moody, Moore (Lawrence), Naifeh, Napier, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Starnes, Swann, Turner (Hamilton), Turner, L. (Shelby), Webb, Wheeler, Whitson, Williams, Mr. Speaker Murray -- 51.

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Representatives voting no were: Bell, Bushing, Byrd, Cain, Chiles, Clark, Curlee, Davis (Gibson), Davis (Knox), Drew, Duer, Garrett, Good, Harrill, Hassell, Hobbs, Holcomb, Holt, Jackson, Kent, Long, Odom, Peroulas, Purcell, Scruggs, Severance, Shirley, Stafford, Stallings, Tankersley, Turner C. (Shelby), Ussery, West, Winningham, Wix, Wolfe, Wood, Yelton -- 43.

Representative present and not voting was: Tanner -- 1.

A motion to reconsider was tabled.

### **CONSENT CALENDAR**

**House Bill No. 1390** -- Racing -- Extends prohibition for placing pari-mutuel wagering issue on ballot when previously defeated. Amends TCA 4-36-401.

**House Bill No. 2028** -- Autopsies -- Provides for procurement of certain supplies for eye banks. Amends TCA, Title 68, Ch. 30.

**\*House Joint Resolution 0451** -- Memorials, Government Officials -- Requests governor to appoint advisory task force on minority business enterprise.

**\*House Bill No. 1982** -- Mental Illness -- Changes certain definitions and requirements relative to treatment of mentally ill, mentally retarded and substance abuse persons. Amends TCA, Title 33.

On motion, House Bill No. 1982 was made to conform with Senate Bill No. 2202.

On motion, **Senate Bill No. 2202**, on same subject, was substituted for House Bill No. 1982.

**\*House Bill No. 1652** -- Liens -- Includes wool and synthetic fibers as property subject to textile processors' lien. Amends TCA 66-15-102.

On motion, House Bill No. 1652 was made to conform with Senate Bill No. 2072.

On motion, **Senate Bill No. 2072**, on same subject, was substituted for House Bill No. 1652.

**House Bill No. 2076** -- Traffic Safety -- Requires red lamps on horse drawn vehicles. Amends TCA 55-8-178.

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**House Bill No. 2090** -- Criminal Procedure -- Establishes procedure for determining which judge hears a petition for post conviction relief when the issue of competency of counsel is raised. Amends TCA 40-30-103.

On motion, House Bill No. 2090 was made to conform with Senate Bill No. 1655.

On motion, **Senate Bill No. 1655**, on same subject, was substituted for House Bill No. 2090.

**House Bill No. 1789** -- Medical Occupations -- Revises various provisions relative to licenses and duties of physician assistants. Amends TCA, Title 63, Ch. 19.

**\*House Joint Resolution 0577** -- Memorials, Government Officials -- Urges Departments of Correction and Education to work together to show high school students the realities of prison life.

**House Resolution No. 0130** -- Memorials, Public Service -- Recognizes Birdsong Marina on Kentucky Lake for contribution to recreation.

**\*House Joint Resolution 0704** -- Memorials, Sports -- Congratulates Memphis Prep varsity boys' basketball team.

**House Joint Resolution 0705** -- Memorials, Sports -- Congratulates Waverly Central High School girls' basketball team.

**House Joint Resolution 0706** -- Memorials, Sports -- Congratulates Waverly Central High School boys' basketball team.

**House Joint Resolution 0707** -- Memorials, Public Service -- Honors Jim Floyd for community service.

**House Joint Resolution 0708** -- Memorials, Personal Achievement -- Honors Tammie Wampler for community achievement through 4-H.

**House Joint Resolution 0709** -- Memorials, Professional Achievement -- Honors Kelly Hudson, 1987 National Consumer Education Winner.

**House Joint Resolution 0710** -- Memorials, Retirement -- Honors Congressman Ed Jones on his retirement from the 8th Congressional District.

**House Joint Resolution 0711** -- Memorials, Congratulations -- Honors World Wide Art Studios of Covington on being selected Business of the Year.

**House Joint Resolution 0713** -- Memorials, Sports -- Honors Coach Russell Richardson and Celina High School football team.

**House Joint Resolution 0715** -- Memorials, Recognition and Thanks -- Honors Carla Sorrells, 1988 legislative intern.

**House Joint Resolution 0718** -- Memorials, Professional Achievement -- Honors Eleanor Burt on service as librarian for State Planning Office.

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**House Bill No. 2503** -- Erwin -- Revises residency requirements for elected officials and ordinance passage. Amends Chapter 297, Private Acts of 1947, as amended.

**House Bill No. 2509** -- Blount County -- Revises hotel-motel and campground tax. Amends Chapter 102, Private Acts of 1979, as amended.

**OBJECTION -- CONSENT CALENDAR**

Objection was filed to the following on the Consent Calendar:

Rep. Chiles objected to House Bill No. 1390.

Rep. Williams objected to House Bill No. 2028.

Rep. Chiles objected to House Bill No. 2076.

Rep. Starnes objected to House Bill No. 1789.

Under the rules, the bills were placed at the foot of the Calendar for Wednesday, April 20, 1988.

Rep. Kisber moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, and that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	97
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

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**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1551 -- Drivers' Licenses -- Prohibits oral driver's license examinations for certain persons. Amends TCA 55-7-107.**

**Senate Amendment No. 1**

Amend House Bill No. 1551 by adding at the end of the amendatory language in Section 1 the following:

Upon good cause being shown by an applicant, a designated agent of the commissioner of safety may conduct an oral examination, notwithstanding the preceding provisions.

Rep. Long moved that the House nonconcur in Senate Amendment No. 1, which motion prevailed.

**House Bill No. 1723 -- Motor Vehicles -- Imposes liability for not reporting accidents that occur on certain premises frequented by the public at large. Amends TCA, Title 55, Ch. 10.**

**Senate Amendment No. 1**

Amend House Bill No. 1723 by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. Tennessee Code Annotated, Section 55-10-101, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)

(1) Any person involved in an accident on any property generally frequented by the public that results in injury to any person and who fails to stop or to comply with the requirements of subsection (a) of this section shall, upon conviction, be punished by imprisonment for not less than thirty (30) days nor more than eleven (11) months and twenty-nine (29) days.

(2) Any person involved in an accident on any property generally frequented by the public who knew or reasonably should have known that serious bodily injury as defined in Tennessee Code Annotated, Section 39-2-101(2) or death to any person resulted from such accident and who fails to stop or to comply with the requirements of subsection (a) of this section shall, upon conviction, be guilty of a felony punishable by imprisonment for not less than one (1) nor more than five (5) years, by a fine of not less than one thousand dollars (\$1,000) or more than ten thousand dollars (\$10,000), or by both such fine and imprisonment in the discretion of the court.

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Rep. Yelton moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes. ....	95
Noes. ....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 1922 -- Railroads -- Expands powers of railroad authorities. Amends TCA, Title 7, Ch. 56; Title 64, Ch. 2.**

**Senate Amendment No. 1**

Amend House Bill No. 1922 by changing the period to a semi-colon at the end of the amendatory language of Section 1., following the word "entity", and by adding the following language thereafter:

; provided however, no revenues generated from the Transportation Equity Fund, which is described in T.C.A. Section 67-6-103(b), other than revenues generated from taxes on fuels used for railways, shall be used for grants or loans to private rail common carrier operators.

**Senate Amendment No. 2**

Amend House Bill No. 1922 by adding at the end of Section 1, as amended, the following:

Provided, further, no state funds shall be used for this purpose without a finding by the commissioner of transportation that such funds are needed in the public interest and that sufficient conditions will be imposed on the recipients to protect the public interest and investment. Such conditions shall include, but not necessarily be limited to, provisions to ensure continuation of service, adequate maintenance, minimum levels of service, and in the case of grants, repayment of a proportionate share of state funds if the railroad is ever sold or service is discontinued.

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Rep. Ridgeway moved that the House concur in Senate Amendments Nos. 1 and 2, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**House Bill No. 2011 -- Metropolitan Government -- Expands size of county board of equalization. Amends TCA, Title 67, Ch. 1, Pt. 4.**

**Senate Amendment No. 3**

Amend House Bill No. 2011 by deleting all the language in its entirety, following the caption, and by substituting instead the following:

WHEREAS, there exists a need to allow any county with a metropolitan form of government to expand the board of equalization so as to increase the representation of minorities and members of both sexes on the board of equalization; and

WHEREAS, the legislative intent of this act is that at least two (2) members of the board of equalization authorized by this act shall be selected from minorities as well as members of the sex which historically have been under-represented on the board of equalization; now, therefore,

, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-1-401(a), is amended by adding the following subitems to be designated as follows:

(5) (A) Provided further, that in counties with metropolitan forms of government the charter for the metropolitan government may provide for the creation of a metropolitan board of equalization consisting of either five (5) or seven (7) members. Appointments to such board shall include members selected from minorities as well as members of the sex which historically have been under-represented on the board of equalization.



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(B) If a county with a metropolitan form of government having a population of not less than four hundred seventy thousand (470,000) nor more than five hundred thousand (500,000) according to the 1980 federal census or any subsequent federal census, creates a board of equalization consisting of seven (7) members, at least two (2) of the members thereof shall be appointed consistent with the provisions of sub-item (A) of this subdivision of this subsection.

**SECTION 2.** This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Pruitt moved that the House concur in Senate Amendment No. 3, which motion prevailed by the following vote:

Ayes. ....	71
Noes. ....	18
Present and not voting. ....	4

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Hawkins, Henry, Herron, Hillis, Hobbs, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Long, Love, Miller, Moore (Lawrence), Naifeh, Napier, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Shirley, Stafford, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Williams, Winningham, Wix, Yelton, Mr. Speaker Murray -- 71.

Representatives voting no were: Chiles, Duer, Hassell, Holcomb, Kent, May, McAfee, Montgomery, Moody, Peroulas, Robinson (Washington), Scruggs, Severance, Swann, Tankersley, Whitson, Wolfe, Wood -- 18.

Representatives present and not voting were: Good, Lawson, Moore (Shelby), Odom -- 4.

A motion to reconsider was tabled.

**House Bill No. 2175 -- Loan Companies -- Enacts "Tennessee Residential Lending Brokerage and Servicing Act of 1988".**

**Senate Amendment No. 2**

Amend House Bill 2175 by deleting from Section 3(c), item (5) in its entirety and by substituting instead the following:

(5) Any person licensed in this state as a real estate broker or a real estate salesperson, not actively and principally engaged in the business of negotiating loans secured by real property;

Rep. Naifeh moved that the House nonconcur in Senate Amendment No. 2, which motion prevailed.

MONDAY, APRIL 18, 1988 -- EIGHTY-FOURTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 1564, substituted for Senate Bill on same subject, amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Starnes moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee so that House Bill No. 1786 can be heard by the General Welfare Committee on Wednesday, April 20, 1988, which motion prevailed.

RULES SUSPENDED

Rep. Starnes moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 744 out of order, which motion prevailed.

**House Joint Resolution 0744** -- Memorials, Public Service -- Honors Barbara Langley for distinguished service with General Assembly. by \*Starnes.

On motion, the rules were suspended for the immediate consideration of the resolution. At the sponsor's request, the resolution was read.

On motion of Rep. Starnes, with the request that all members voting aye be listed as sponsors, the resolution was adopted by the following vote:

Ayes. ....	98
Noes. ....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

**MONDAY, APRIL 18, 1988 -- EIGHTY-FOURTH LEGISLATIVE DAY**

**RULES SUSPENDED**

Rep. Turner (Hamilton) moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee so that House Joint Resolution No. 639 can be heard by the General Welfare Committee on Wednesday, April 20, 1988, which motion prevailed.

**RULES SUSPENDED**

Rep. Kisber moved that the rules be suspended for the purpose of passing House Bill No. 2514 on first consideration, which motion prevailed.

**House Bill No. 2514** -- Jackson -- Revises city charter. Amends Chapter 167, Private Acts of 1969.

**RULES SUSPENDED**

Rep. Cain moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee so that Senate Joint Resolution No. 423 can be heard by the Education Committee on Tuesday, April 19, 1988, which motion prevailed.

**NOTICE TO ACT ON SENATE AMENDMENTS**

Pursuant to **Rule No. 59**, the sponsors gave notice of intent to consider the following measure from the Senate on Wednesday, April 20, 1988:

Senate Bill No. 1409: Rep. Naifeh

House Bill No. 1564: Rep. Bell

House Bill No. 1732: Rep. Bragg

House Bill No. 1938: Rep. West

House Bill No. 2272: Rep. U. A. Moore (Shelby)

House Bill No. 2339: Rep. DeBerry

**RULES SUSPENDED**

Rep. Williams moved that the rules be suspended for the purpose of introducing House Resolution No. 135 out of order, which motion prevailed.

**House Resolution No. 135** -- Memorials, Congratulations -- Honors Carolyn Pittman on retirement as Principal of Snowden School.

On motion, the rules were suspended for the immediate consideration of the resolution.

**MONDAY, APRIL 18, 1988 -- EIGHTY-FOURTH LEGISLATIVE DAY**

Rep. Williams moved to amend as follows:

**Amendment No. 1**

Amend House Resolution No. 135 by deleting from the fourth clause of the preamble the words "Ms. Wilson" and substituting instead the words "Ms. Pittman".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Williams moved that House Resolution No. 135, as amended, be adopted, which motion prevailed.

**RULES SUSPENDED**

Rep. Rhinehart moved that the rules be suspended for the purpose of passing House Bill No. 2515 on first consideration, which motion prevailed.

**House Bill No. 2515 -- Pikeville -- Alters salary of board of mayor and aldermen. Amends Chapter 574, Private Acts of 1939. by \*Rhinehart.**

**RULES SUSPENDED**

Rep. DeBerry moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee so that House Joint Resolution No. 569 can be heard by the General Welfare Committee on Wednesday, April 20, 1988, which motion prevailed.

**RULES SUSPENDED**

Rep. DeBerry moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee so that House Joint Resolution No. 572 can be heard by the General Welfare Committee on Wednesday, April 20, 1988, which motion prevailed.

**BILLS WITHDRAWN**

On motion of Rep. Wheeler, House Bill No. 1400 was recalled from the State and Local Government Committee.

On motion of Rep. Wheeler, **House Bill No. 1400** was withdrawn from the House.

**RULES SUSPENDED**

Rep. Bragg moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee so that House Bill No. 1712 can be heard by the Calendar and Rules Committee calendar when reported out of Finance, Ways and Means Committee.

**MONDAY, APRIL 18, 1988 -- EIGHTY-FOURTH LEGISLATIVE DAY**

**RULES SUSPENDED**

Rep. Bragg moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee so that all bills reported out of Finance, Ways and Means subcommittee Wednesday morning can be heard by the Finance, Ways and Means Committee at a special meeting Wednesday or Thursday, which motion prevailed.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 568: Rep. Kernell added as prime sponsor.

**House Bill No. 1731:** Reps. King, Jones, U. (Shelby), Williams, Byrd, Jones, R. (Shelby), DeBerry, Kent, Moore, U. A. (Shelby), Gaia, Kernell, Cain, Dixon, Turner, C. (Shelby), Hassell, Turner, L. (Shelby), Shirley added as prime sponsors; Reps. Hobbs, Starnes, McAfee, Curlee, Murray, Rhinehart, Swann, Turner, B. (Hamilton), Naifeh, Copeland, Miller, Wood, Moore (Lawrence), Scruggs and Ivy added as sponsors.

**INTRODUCTION OF RESOLUTIONS**

**House Resolution No. 0131** -- Memorials, Personal Achievement -- Honors Alison Dawn Hayes selection as Cocke County Outstanding Youth. by \*Davis R E.

The Speaker referred House Joint Resolution No. 131 to the Calendar and Rules Committee.

**House Resolution No. 0132** -- Memorials, Recognition and Thanks -- Honors James L. Schorr, 1988 legislative intern. by \*Severance, \*Peroulas.

The Speaker referred House Joint Resolution No. 132 to the Calendar and Rules Committee.

**House Resolution No. 0133** -- General Assembly, Studies -- Creates special study committee to study quality of motor fuel. by \*Hillis, \*Miller, \*Stallings, \*Jared, \*Robinson Robb, Ellis.

The Speaker referred House Joint Resolution No. 133 to the Calendar and Rules Committee.

**House Resolution No. 0134** -- Memorials, Public Service -- Congratulates Joyce A. Jones, finalist for Jaycee Woman of the Year. by \*Hurley.

The Speaker referred House Joint Resolution No. 134 to the Calendar and Rules Committee.

**House Joint Resolution 0719** -- Memorials, Personal Achievement -- Honors Patrick Johnson on outstanding leadership and achievement. by \*Byrd.

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The Speaker referred House Joint Resolution No. 719 to the Calendar and Rules Committee.

**House Joint Resolution 0720** -- Memorials, Government Officials -- Directs Department of Transportation to identify railroads transporting hazardous materials. by \*Hurley.

The Speaker referred House Joint Resolution No. 720 to the Transportation Committee.

**House Joint Resolution 0721** -- Memorials, Sports -- Honors Mt. Juliet cheerleaders for finishing third in nation. by \*Bell.

The Speaker referred House Joint Resolution No. 721 to the Calendar and Rules Committee.

**House Joint Resolution 0722** -- Memorials, Professional Achievement -- Honors Mrs. T.P. Primm and southern cornbread. by \*Phillips, \*DePriest.

The Speaker referred House Joint Resolution No. 722 to the Calendar and Rules Committee.

**House Joint Resolution 0723** -- Memorials, Professional Achievement -- Honors the career achievements of Gary Hensley. by \*Swann.

The Speaker referred House Joint Resolution No. 723 to the Calendar and Rules Committee.

**House Joint Resolution 0724** -- Memorials, Sports -- Honors Coach Hugh Cosimini and Scott County High School girls' basketball team. by \*Winningham.

The Speaker referred House Joint Resolution No. 724 to the Calendar and Rules Committee.

**House Joint Resolution 0725** -- Memorials, Sports -- Honors Coach David Reagan and Scott High School boys' basketball team. by \*Winningham.

The Speaker referred House Joint Resolution No. 725 to the Calendar and Rules Committee.

**House Joint Resolution 0726** -- Memorials, Heroism -- Commends Gary Summers for heroism in line of duty. by \*West, \*Purcell, \*Clark, \*Bushing, \*Robinson Robb, \*Odom, \*Garrett, \*Love, \*Pruitt, \*Ellis.

The Speaker referred House Joint Resolution No. 726 to the Calendar and Rules Committee.

**House Joint Resolution 0727** -- Memorials, Recognition and Thanks -- Honors Jennifer Cox, 1988 legislative intern. by \*Byrd, \*King.

The Speaker referred House Joint Resolution No. 727 to the Calendar and Rules Committee.

**MONDAY, APRIL 18, 1988 -- EIGHTY-FOURTH LEGISLATIVE DAY**

**House Joint Resolution 0730** -- Memorials, Public Service -- Commends Morris Freeland Bass on career in public administration and higher education. by \*Cain, Turner L, Kent.

The Speaker referred House Joint Resolution No. 730 to the Calendar and Rules Committee.

**House Joint Resolution 0731** -- Memorials, Public Service -- Honors Henry County 4-H'ers on winning Tennessee Community Pride Award. by \*Ridgeway.

The Speaker referred House Joint Resolution No. 731 to the Calendar and Rules Committee.

**House Joint Resolution 0732** -- General Assembly, Studies -- Creates joint committee for study of organ transplants for children. by \*Herron.

The Speaker referred House Joint Resolution No. 732 to the Calendar and Rules Committee.

**House Joint Resolution 0733** -- Memorials, Sports -- Honors Waynesboro Middle School girls' basketball team on undefeated season. by \*Ivy.

The Speaker referred House Joint Resolution No. 733 to the Calendar and Rules Committee.

**House Joint Resolution 0734** -- Memorials, Congratulations -- Honors Mr. and Mrs. Wanza Pendergrass on 50th anniversary. by \*Winningham.

The Speaker referred House Joint Resolution No. 734 to the Calendar and Rules Committee.

**House Joint Resolution 0735** -- Memorials, Recognition and Thanks -- Honors Duane Hickey, 1988 legislative intern. by \*Phillips, \*Kisber, \*Turner B.

The Speaker referred House Joint Resolution No. 735 to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

**Senate Joint Resolution 0450** -- Memorials, Congratulations -- Honors University School decathlon team for winning state championship.

The Speaker referred Senate Joint Resolution No. 450 to the Calendar and Rules Committee.

**Senate Joint Resolution 0467** -- Memorials, Recognition and Thanks -- Commends Samuel Jeffrey Summers, 1988 private legislative intern.

The Speaker referred Senate Joint Resolution No. 467 to the Calendar and Rules Committee.

**MONDAY, APRIL 18, 1988 -- EIGHTY-FOURTH LEGISLATIVE DAY**

**SENATE BILLS ON FIRST CONSIDERATION**

**Senate Bill No. 1109** -- Drugs -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 540.

**\*Senate Bill No. 1515** -- Tort Liability -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 1515.

**\*Senate Bill No. 2422** -- Nuclear Materials, Transportation and Safety -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 2414.

**Senate Bill No. 2429** -- Unemployment Compensation -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 2421.

**\*Senate Bill No. 2448** -- Education, Dept. of -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 2433.

**Senate Bill No. 2456** -- Solid Waste Disposal -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 2302.

**HOUSE BILLS ON SECOND CONSIDERATION**

**House Bill No. 2505** -- Benton -- Passed second consideration and held on the Clerk's desk.

**House Bill No. 2506** -- Robertson County -- Passed second consideration and held on the Clerk's desk.

**House Bill No. 2507** -- Knox County -- Passed second consideration and held on the Clerk's desk.

**House Bill No. 2508** -- Elkton -- Passed second consideration and held on the Clerk's desk.

**House Bill No. 2510** -- Consumer Protection -- Passed second consideration and referred to the Commerce Committee.

**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bills Nos. 1497, 1613, 1704, 1839, 2043 and 2103; House Joint Resolutions Nos. 626 and 649, with his approval.

**DAVID H. WELLES,**  
Counsel to the Governor.



**MONDAY, APRIL 18, 1988 -- EIGHTY-FOURTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 271, 843, 917, 1342, 1373, 1399, 1558, 1562, 1589, 1647, 1697, 1709, 1755, 1882, 1900, 1991, 1994, 2127, 2128, 2207, 2357 and 2368; also, Senate Joint Resolutions Nos. 438, 440, 441, 442, 445 and 458; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 2162 and 2449; and House Joint Resolution No. 616; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 1374, 1733, 2132, 2147, 2166, 2167, 2185, 2423, 2426, 2473, 2479, 2483 and 2500; House Resolutions Nos. 127, 128 and 129; and House Joint Resolutions Nos. 662, 664, 665, 666, 669 and 670.

**ENGROSSED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution No. 446; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 2077; and House Joint Resolution No. 568; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: Senate Bills Nos. 271, 843, 917, 1342, 1373, 1399, 1558, 1562, 1589, 1647, 1697, 1709, 1755, 1882, 1900, 1991, 1994, 2127, 2128, 2207, 2357, 2368; and Senate Joint Resolutions Nos. 438, 440, 441, 442, 445 and 458.

**MONDAY, APRIL 18, 1988 -- EIGHTY-FOURTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos. 1410, 1552, 1827, 2121, 2192 and 2292; substituted for Senate Bills on same subjects and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bill No. 2465; substituted for Senate Bill on same subject and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**ENGROSSED BILLS**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 2388; and find same correctly engrossed and ready for transmission to the Senate.

**BETTY KAY FRANCIS,**  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolutions Nos. 452, 587, 597, 599, 600, 630, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 712, 714, 716 and 717; concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos. 1374, 1733, 2132, 2147, 2166, 2167, 2185, 2423, 2426, 2473, 2479, 2483 and 2500; also, House Joint Resolutions Nos. 662, 664, 665, 666, 669 and 670; all signed by the Speaker.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MONDAY, APRIL 18, 1988 -- EIGHTY-FOURTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 350, 353, 399, 448, 452, 453, 454, 455, 457, 460, 463, 464, 465, 466 and 472; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Joint Resolution 0350** -- Memorials, Government Officials -- Urges Department of Education to develop rules and regulations and to supply funding for asbestos inspections and management plan development.

**\*Senate Joint Resolution 0353** -- Memorials, Congress -- Urges Congress to designate Tennessee as "special initiative state" under provisions of Welfare Reform Act of 1988.

**\*Senate Joint Resolution 0399** -- Memorials, Government Officials -- Urges Department of Mental Health and Mental Retardation to utilize Camp Discovery for placement of certain clients.

**Senate Joint Resolution 0448** -- General Assembly, Proclamations -- Proclaims April 24-30, 1988 as "Organ Donor Awareness Week".

**Senate Joint Resolution 0452** -- Memorials, Personal Achievement -- Honors William W. Barbour.

**\*Senate Joint Resolution 0453** -- General Assembly, Studies -- Creates special study committee to study relocation of utility facilities located in highway rights of way which are part of construction projects.

**Senate Joint Resolution 0454** -- Memorials, Recognition and Thanks -- Honors Thomas W. McKee, 1988 legislative intern.

**Senate Joint Resolution 0455** -- Memorials, Recognition and Thanks -- Honors Susan R. Lunsford, 1988 legislative intern.

**Senate Joint Resolution 0457** -- Memorials, Sports -- Congratulates Debbie Hawhee on receipt of Gill Gideon "Miss Basketball" award.

**Senate Joint Resolution 0460** -- Memorials, Professional Achievement -- Honors Dr. William H. Frist on contributions to organ transplantation.

**Senate Joint Resolution 0463** -- Memorials, Public Service -- Honors Glen Swift.

**Senate Joint Resolution 0464** -- Memorials, Condolence -- Honors memory of Jake Boyd.

**Senate Joint Resolution 0465** -- Memorials, Professional Achievement -- Honors Kathy Hawk on selection as 1988 Outstanding Art Educator of the Year.

**MONDAY, APRIL 18, 1988 -- EIGHTY-FOURTH LEGISLATIVE DAY**

**Senate Joint Resolution 0466** -- Memorials, Sports -- Honors George Lapides for work in Memphis athletic community.

**Senate Joint Resolution 0472** -- Memorials, Recognition and Thanks -- Honors Richard Matlock, 1988 legislative intern.

**ENROLLED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1410, 1552, 1827, 2121, 2192 and 2292; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 2503 and 2509; and House Joint Resolutions Nos. 451, 577, 704, 705, 706, 707, 708, 709, 710, 711, 713, 715, 718 and 744; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1723, 1922, 2011 and 2465; House Resolution No. 130; and House Joint Resolutions Nos. 452, 587, 597, 599, 600, 630, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 712, 714, 716 and 717; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES**

In accordance with Rule No. 48, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 2505 and 2506 .

MONDAY, APRIL 18, 1988 -- EIGHTY-FOURTH LEGISLATIVE DAY

REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills and/or resolutions on the Consent Calendar for Wednesday, April 20, 1988: House Resolutions Nos. 131, 132, 134; House Joint Resolutions Nos. 719, 721, 722, 723, 724, 725, 726, 727, 730, 731, 733, 734, 735; Senate Joint Resolutions Nos. 450 and 467; also, House Bills Nos. 2505 and 2506.

PHILLIPS, Chairman.

ROLL CALL

The roll call was taken with the following results:

Present ..... 96

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Userry, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

On motion of Rep. Naifeh, the House adjourned until 1:30 P.M., Wednesday, April 20, 1988.